

N.W. Bernstein & Associates, LLC

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July 9, 2019

Via electronic mail and Federal Express

Richard J. Hackley, Chief
Program Accounting and Analysis Section
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Thomas J. Krueger
Associate Regional Counsel
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Matthew Ohl
Remedial Project Manager
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Effort to Resolve Informally a Dispute Regarding EPA's Bill for Third Site Costs
for the period November 6, 2016 through November 5, 2017

Dear Mr. Hackley, Mr. Krueger and Mr. Ohl:

We have reviewed EPA's letter dated May 20, 2019 in which EPA requests payment of the disputed amount, \$33,148.26 plus interest from January 2, 2019, for the November 27, 2018 oversight costs bill. This letter addresses only the additional information provided in the May 20 letter and supplemental documents enclosed within the letter, all other objections heretofore made regarding Third Site oversight bill are incorporated herein by reference and are not waived.

After reviewing the documents provided by EPA relating to TechLaw and CLP we believe that EPA is entitled to an additional payment of \$209.78 for TechLaw's direct and indirect costs and \$415.90 for CLP's direct and indirect costs. The Trustees have also agreed to pay the following costs:

1. EPA payroll costs for Linda Haile, Mark Koller, and Vanessa Mbogo/Simmons in the amount of \$12,314.76 for direct and indirect costs.

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2. Tetra Tech's annual allocation in the amount of \$5,299.95 for direct and indirect costs.

The Trust will instruct its bank to pay \$18,240.39 which is inclusive of direct and indirect costs. The remaining balance, \$14,907.87, is still in dispute. The Third Site Trust Fund disputes the Army Corps costs for oversight of the March and of the June 2017 water sampling events and its travel charges associated with the March event. The Third Site Trust Fund also disputes Tetra Tech's costs associated with the June sampling event.

EPA in its May 20 response letter is correct in its interpretation of the December 12, 2016 amendment to the Consent Decree concerning costs associated with ERH. However, since the costs mentioned above are not related to ERH they are not recoverable under the 2016 amendment. Extra copies of the invoices in question are attached. Only the field work related portions of those invoices are disputed.

Section VIII. of the Consent Order requires the parties to "expeditiously and informally" attempt to resolve any dispute that arises under the Consent Order. Accordingly, we request a telephone conference call at a mutually agreed time and date to review the disputed amounts in an effort to informally resolve this dispute.

Very truly yours,



Norman W. Bernstein, Trustee

cc: Peter M. Racher, Trustee
w/encl.